



MINUTES
AUGUST 6, 2008

Margaret Mitchell, Park Place, said she is not truly in opposition but needs to review this more closely. She mentioned that this backs up to the East ditch and when the Still River floods, everything floods. She said although EIC has approved this, they also approved Danbury Commons which was over twenty years ago, but it still causes major flooding problems in this

Pamela Equities Corp. – Application for fourteen (14) lot subdivision (110.29 ac.) "Candlewood Pines" in the RA-80 Zone and Request for Waiver to Chap. 4, Section B.12. of the Subdivision Regulations – 65-67 Bear Mountain R(#H03069) – Subdivision Code #08-01. This has received EIC approval. *Public hearing opened 5/21/08. First 35 days were up 6/24/08 –35 day extension granted to 7/28/08 – additional 35 day extension granted to 8/31/08.*

Steve Sullivan PE said they had received the Engineering Dept. letter dated July 23rd and there were no significant issues. The only change is that they will keep the open space parcel. He added that the City Traffic Engineer still has some issues; the stone wall along the street will be rebuilt and moved ten feet off the right of way. Also they will put the bus shelter on the north side of the road instead of the south. Mr. Mohammed asked for sidewalks which are not required. Mrs. Emminger said the Commission needs to consider whether or not they want to require them. She added that sidewalks in this development would not lead to anything. She said in the case of cluster subdivisions, the Commission has consistently requested sidewalks on one side of the roadway. Mr. Sullivan continued saying that they had changed the grade on the main road to 8% at the request of Mr. Mohammed, but they left the roadway at 10% because it would require large cuts and the removal of a lot of fill to achieve the 8% grade. He said they are trying to minimize street clearing and road work, but they will leave it up to the Commission. He submitted copies of the road ordinance from Waterbury and Torrington, both of which have their grade set at 10%. He added that many City roads are at 10% grade. Mrs. Emminger said the City Ordinances and the Subdivision Regulations both say 10%. She added that Mr. Mohammed said the Highway Superintendent has expressed concern about maintaining a road at 10%, although only a small portion of the road is it is that grade. Mrs. Emminger then said the Planning Dept. recommends that the Commission require the applicant to comply with the City Ordinances and the Subdivision Regulations by leaving the grade at 10%. She said regarding the suggestion that the applicant get the two neighbors to connect to the new City road, she does not believe either the applicant or the City can require this and also there would be a grade difference. Chairman Finaldi asked if they could close the hearing. Mrs. Emminger said the Commission needs to decide about the sidewalk and grade issues. After discussing it, they Commission decided that they will not require sidewalks and they agreed with Staff's recommendation about leaving the grade for the roadway at 10%. Mrs. Emminger said Engineering has basically signed off on this and they have issued a bond amount. She added the Planning Dept. comments have been addressed so they will be able to close this hearing at the next meeting. Mr. Urice made a motion to continue the hearing. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

[illegible]

Interstate Business Center, LLC – Application for Special Exception/Revised Site Plan to allow Hotel, Professional Office Space & Restaurant (“Prindle Lane Centre”) generating in excess of 500 vehicle trips per day in the CA-80 Zone, Prindle La. (#D14001) – SE #603. *Public hearing opened 6/4/08. First 35 days were up 7/8/08 – 35 day extension granted to 8/11/08.*

Mr. Cerminara excused himself as he is abstaining from this matter. All of the other alternates were already seated.

Attorney Chris Leonard said he is filling in for Attorney Jaber who is out of town. He said after their traffic engineer's presentation at the last meeting, there were many questions raised which they hope to address this evening.

Joseph Canas PE from Tighe & Bond then said he has thirteen years experience in stormwater management and they have made some changes to that portion of the proposal to satisfy the Engineering Dept. concerns. Mr. Urice asked if they had addressed all of Engineering's open issues. Mr. Canas said they have all been addressed. Mrs. Emminger said Engineering is still reviewing this; it is very detailed plan with many drainage sites but none of the issues are big enough to be concerned about, they can all be addressed by conditions. The floodplain issues are a little more complex so we have referred this to DEP to determine the base flood elevation they should be using. Once that information comes back the Engineering Dept. will be able to finish the floodplain review.

Joe Balskus, PE traffic engineer for the project, said he would address the comments that arose after his last presentation. He said the trip generation for this project is about 2,000 ADT and that is what makes this a special exception use. He said the City Traffic Engineer has commented on the proposed improvements. The proposed improvements will create a tremendous reduction in traffic, but this is all subject to DOT review. He said he is confident that DOT will allow these improvements because the applicant is willing to pay for all of the work. Mrs. Emminger said the State is not proposing any improvements in this area, the only work they have slated is the road widening from Kenosia Ave. to the Exit 4 area. Mr. Balskus said vacant space is always expected when doing traffic counts and they do allow for approved projects not yet built. The only time vacant space is analyzed is when a corridor study is being done. He said in response to the Rosy Tomorrow comments, the question of whether it is a quality restaurant or a high turnover restaurant has no impact on LOS. He said the afternoon peak hour is five PM and they did their counts based on this. They have addressed all comments: Old Mill Plain Rd. is now included in the traffic study, the peak hours are correct, the proposed improvements will help traffic flow, and they used established procedures to review the impact of traffic operations at the intersections. He said they have updated their report to include a recommendation for two additional changes: to extend two lanes past Old Mill Plain Rd. and to coordinate the signalization through the Staples/Trader Joes Shopping Center. This was done at the request of the City Traffic Engineer so that the four intersections (Aunt Hack, Old Mill Plain, Prindle La. and Old Ridgebury Rd.) create a coordinated signal system. Mrs. Emminger asked if the State would be coordinating the signals if this applicant does not. Mr. Balskus said if someone complained a lot, possibly the City and Legislature both complain a lot, they might get to it, but the DOT is very busy and does not go out looking for things to fix. He added that cities do not do this often enough until something happens or somebody complains, so it is not likely that this will be done. Mrs. Emminger asked when the last time was that this was done. Mr. Balskus said it has been at least ten years since they were looked at. Mrs. Emminger asked if some of the traffic issues could be the result of the lack of coordination of traffic signals. Mr. Balskus said it has added to congestion levels as well as the perception of congestion, when it could be unwarranted if signals were re-timed. He said the conclusion is that the significant improvements being proposed will reduce congestion and improve operations on Mill Plain Rd. Chairman Finaldi said that the Supplemental Traffic Analysis dated today and submitted by Mr. Balskus is **Exhibit DDD**. Mrs. Emminger reminded the Commission members that several e-mails have been received from the City Traffic Engineer and are now a part of the file. Also dated today, there is a response to a letter that Mr. Mohammed received from Gary Kurz, which is also a part of the record.

Chairman Finaldi said first they would read the letters in opposition

Mrs. Emminger read TT and UU.

TT — Opposition letter from June Baldwin, 144 Middle River Rd.

UU — Opposition letter from Susanne Lehmann, 45 Aunt Hack Rd.

Mr. Urice read VV and WW:

VV — Opposition letter from Patricia O'Neill, 54 Driftway Rd.

WW — Opposition letter from Tanya & Lawrence Castiglione, 36 Judith Dr.

Chairman Finaldi read ZZ and AAA:

ZZ — Opposition letter from Carole & Rich Chiarella/CRC Properties LLC, 20 Old Mill Plain Rd.

AAA — Opposition letter from Mark Valentine, 122 Aunt Hack Rd.

Mr. Blazska read BBB and CCC::

BBB — Opposition letter from Virginia & Stephen Balser, 8 Elmcrest Dr.

CCC — Opposition letter from Paul D. Turnley, 22 Maplecrest Dr.

Ms. Hoffstaetter read YY and XX

XX — Opposition letter from Robert & Lillian McCue, 11 W. Lakeshore Dr.

YY — Opposition letter from Jack & Olga Villodas, 49 Driftway Rd.

Chairman Finaldi then asked that the opposition confine their comments to this application and also not repeat things they have previously said. All comments made at the previous meetings have been recorded and are part of the record. Chairman said he has personally made two site visits to observe the traffic yesterday and today between five and six PM.

Francis Ofiero, 21 Maplewood Dr., said this will only benefit the builders not the community. The residents want roads fixed first before building any more hotels, office building and restaurants that they do not need.

Gene Weiner, 25 Wintergreen Hill, said it was an interesting traffic presentation but questions the amount of trips they are projecting. All of the information presented today pointed to easing east-west traffic on Mill Plain Rd. so they can build more businesses. He said he has started shopping in Brewster because it is not worth fighting the traffic to get into Danbury.

Anne Marie Satkowsky, 21 Lindencrest Dr., said she appreciates that everyone should be able to develop their property but not if it will hurt the other residents. She is worried about her property values and no one ever says a proposed project will hurt the City, but look at what it has gotten us. There is a lot of traffic on Mill Plain Rd. and that is not a reason to deny this but please remember the quality of life for the residents in this part of town.

Dr Alvin Goldman, said he has lived in the Aunt Hack area for 48 years and cannot understand why this is being done in reverse. He suggested that we should fix the traffic problems before considering applications for development. He then suggested they defer this until the State makes the necessary changes to the roadway. He asked that the Commission show interest in the welfare of the people instead of the developer.

Frank Anders, 9 Terra Glen Rd. , said it is not the traffic lights causing problems, it is the funneling of the lanes caused by the widening and narrowing. He said even well coordinated traffic lights can slow things down.

Jane Diggs, 32 Wintergreen Hill, said this is the fourth meeting she has sat through. It currently takes her thirty minutes from her house to City Hall and another traffic light will only worsen

the traffic. She expressed concern for emergency and fire vehicles having problems getting into Aunt Hack. She also mentioned the quality of life for these residents.

Lucia O'Hara, 33 Wintergreen Hill, said they need to consider the time of day, the date, the month and the season should all be considered when looking at traffic. Her family won't come to visit because traffic is so bad they can't get through town. She said she loves Danbury but feels they are being pushed to a level that they shouldn't be pushed to. She said she feels bad that these people can't build what they want to build, but asked that they take the residents into consideration when making this decision. She said you can't see the impact by going there one day, you have to live there to see it. She added that she is not trying to belittle anyone or lessen their efforts.

Gary Kurz, Rosy Tomorrows, 15 Old Mill Plain Rd., said Mr. Steiner has excellent reputation as developer but he and Sean know the traffic in this area very well. He said he is not opposed because of competition from the proposed restaurant, his concern is for the traffic. All the residents spoke about the traffic problem. He said he has never spoken in opposition to another restaurant on Mill Plain Rd., but this is about the traffic. The proposed improvements will not create the desired result. He distributed copies of a memo prepared by Henry Dittman, a traffic engineer with Barkan & Mess (**Exhibit EEE**). He said they hired him to analyze the applicant's traffic study. Mr. Dittman singled out two issues, first the difference in types of restaurant – high turnover versus quality. Second he says it is a mistake to use the 12% figure as trip deduction rate. He said he checked with Hart bus who told them that they would not get off Mill Plain Rd. to enter into Prindle La. so this site would not benefit from passby traffic. His conclusion is that only 5% reduction should be used for this site. He questioned how they will know what kind of restaurant will be here in five or ten years. And he said the traffic counts that were taken by Tighe & Bond were taken during lunch time and that is not a realistic representation.

Sean Deakin VP operations at Rosy Tomorrows thanked the Commission for listening to him. He said at the last meeting he submitted information for Mill Plain Rd. and now he is submitting the same for Old Ridgebury Rd. He recited the totals of what development is proposed at The Reserve. He submitted this for the record and it was designated **Exhibit FFF**. He said the applicant has said the restriping and other improvements will relieve traffic on Mill Plain Rd. but their counts for Old Mill Plain Rd. were done on a Monday, which does not represent the true traffic. He then presented a three-minute video of the various intersections taken on Friday August 1 during peak. He said Mill Plain Rd. is at capacity and cannot handle any more traffic. The video shows the traffic accumulating on Mill Plain Rd. and he said this happens all the time not just on Fridays or on August 1. The video was designated **Exhibit GGG**.

Attorney Robert Fuller said there is not a lot left to be said. He asked many technical questions for Mr. Baskus and then asked for information regarding the timing of signals and speculating on the outcome the road improvements could make. Chairman Finaldi asked if some of the requested information is premature. Attorney Fuller said it may be but it could be relevant.

Dave Coelho, 222 Aunt Hack Rd. , said the video that Mr. Deakin presented shows just how bad the traffic is now. He said restriping the Aunt Hack intersection is not the answer, nor is adding traffic signal, just pushes the problem further down the road. They already have an approval for this property and they should just stick to it and build what was approved.

Kenneth Osnoss MD, 41 Tanglewood Dr., said their proposals to improve traffic do not address the area east of Aunt Hack. Also the days they picked to observe the traffic are the slowest time of year. The improvements being proposed have nothing to do with the problem.

Richard Schmidt, 25 Wintergreen Hill, said this is about the amount of cars and the two lane traffic. He suggested that until this situation is addressed, the Commission should not approve anything else. He pointed out that Rivington and the Shops at Marcus will impact this. There are 27 acres for sale on Mill Plain right now. He asked how many more developments are we going to allow before we fix the traffic. The big picture is whatever contributes to traffic on I-84 contributes to traffic on Mill Plain Rd. He said he is astonished that nobody put pressure on the State to improve this area. All the statistics mean nothing when you are sitting on Aunt Hack trying to get out onto Mill Plain Rd.

Regina Ofiero, 21 Maplewood Dr., said she has lived in several areas of this neighborhood and has learned to avoid Mill Plain Rd. because the traffic is so bad. She said a traffic study is just that, this is a situation that if you don't live it, you can't speak about it. She asked that they don't put the cart before the horse and be concerned for the impact on the existing businesses.

Al Robinson, 132 Osborne St., said he shot the video that Mr. Deakin presented but the battery died so he had to cut it short. It seemed people took matters into their own hands when it came to turning left onto Aunt Hack Rd. He said he does not understand how another stripe on the road will fix the problem when people are already doing it. People are fed up waiting for the State to fix the road. He said this is August and they should remember that traffic is different in the summer than the rest of the year.

Bob Soares, 36 Lindencrest Dr. , said so much has been said that there isn't much left to say. He and his wife distributed flyers about this project to all the businesses and the reaction they got was interesting. Four or five people had not heard about it despite the coverage in the News-Times and others said they are so upset about this project.

Kathy Soares, 36 Lindencrest Dr., asked if service vehicles have been taken into account when looking at this project. Chairman Finaldi said this has been included.

Mary Reynolds. 15 Library Place, said she has been coming for 35 years to speak for the wildlife who cant speak for themselves, the ones who get killed or displaced by all of this development. She said when they were proposing a Home Depot for this area, Attorney Marcus referred to the land as junk and that is not right. She showed them many newspaper articles about development through the years on Mill Plain Rd. She described how the wild creature's lives are destroyed when an area is developed; how they are killed and displaced by all of this. She described how the creatures died during the Largo development and how the people tried to help them. She pleaded to the Steiners' to be kind to the animals when they clear the land for their development. These creatures may not be endangered but they still deserve to live. She mentioned the recently approved application on Shelter Rock Rd. where the applicant left trees and the pond to help the creatures survive. Also the Bear Mountain subdivision proposal where the open space is being maintained to help continue an area for wild life. She said she feels for these creatures and hope the Steiners' will remember them.

Brenda MacRitchie, 15 Driftway Point Rd., questioned the numbers quoted by Mr. Deakin regarding vacant office space. She asked if this vacant space was filled, how would it affect the

traffic. Chairman Finaldi said that is beyond the scope of this hearing. She asked if we don't have the capacity to handle what is already approved how can we approve anything else. Also she agree with what the previous speaker said about preserving the environment. We need the animals as much as they need a place to live.

Steven O'Hara, 33 Wintergreen Hill, said he chose Danbury because of the infrastructure at that time and has no problem with development. He does have a problem with the fact that the infrastructure cannot support the existing development. He said because he is retired, he has luxury of deciding when to travel on Mill Plain Rd., but it is time for the City to realize that this road needs work before any additional development is approved.

Mrs. Henry Cubberly, 13 Joes Hill Rd., said in the fifty years she has been here Danbury has gone from 1,700 to 10,000 people so is it any wonder we have traffic. She cited several fatal accidents that took her neighbor's lives and said this was a lovely little town that has grown too fast. People need to consider other lives when traveling on the roads.

Joe Balskus spoke in rebuttal to opposition's comments. He submitted a cd-rom containing his presentation (**Exhibit HHH**). He said they pick typical days to conduct studies and added that the Barkan & Mess memo was not negative. He said they will address the STC issues during the STC review, but the previous proposal was already approved by them. He said the video that Mr. Deakin submitted was limited and couldn't look to the left. He said the coordinated operation of signals and dedicated turning lanes are needed to help with traffic situation and reiterated that with the proposed changes there will be improved operation and traffic flow on this road.

Attorney Leonard said they believe they have addressed all the issues. He said since Mr. Dittman's memo was presented by Mr. Deakin, they could not question Mr. Dittman about it. He said it does seem like it was more about the types of restaurants than traffic issues. Mrs. Emminger said the Eagle Rd. development that was referenced was based on a quality restaurant not a high turnover one. She said the Health Dept. has signed off on the watershed aspect of this application. Someone asked why the Westwood Dr. intersection was not included in the coordination of the traffic signals. Mr. Balskus said the DOT reviewed it and determined that it didn't warrant coordination. Mr. Urice asked if the crash barrier for emergency access was still on the plans. Mr. Canas said that it is.

Chairman Finaldi asked if there were any other questions and there were none.

Mr. Urice made a motion to close the public hearing. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

At 11:35 PM, Mr. Urice made a motion to take a five-minute recess. Mr. Blazska seconded the motion and it was passed unanimously. At 11:42 PM, Chairman Finaldi called the meeting back to order.

[illegible]

Mr. Cerminara returned to the meeting at this time.

Joseph Putnam as Contract Purchaser – Application for Special Exception to allow Self-Service Storage Establishment ("Putnam Self Storage II") in the CA-80 Zone – 20-22 Old Ridgebury Rd. (#C15010) – SE #675. This has received EIC approval. *Public hearing opened 7/16/08 – First 35 days will be up 8/19/08.*

Michael Mazzucco PE said he was not at the previous meeting but met with Mrs. Emminger and was made aware of the issues. He said showed them a rendering of the existing building in its deteriorated condition. He said Mr. Putnam had met with the neighbors at Kensington Woods to alleviate their concerns. He agreed to change the exterior appearance and color to address neighbors concerns. There are two buildings on the site now but they are only dealing with the lower elevation rear building at this time. He said there are no immediate plans for the front building; it is vacant at this time and nothing is proposed for it at this time. He then said the existing foundation cannot support the additional stories so they need to rebuild it. This zone allows for up to a 45 ft. high building. Mr. Putnam then said the hours of operation were a big concern for the neighbors and he assured them that this would not be a 24/7 facility. Mr. Mazzucco said they would not exceed the permitted height in the zone. Also they added a hydrant at the request of the Fire Marshal and they have applied to the Common Council for a water extension. Mr. Mazzucco said even with the addition this will still be located lower than the height of various trees and buildings in this immediate area. Mr. Urice asked if they will be leaving all of the existing trees. Mr. Mazzucco said they are shown in the rendering and will remain. They also will be adding a landscape buffer. Mr. Urice asked about the lighting. Mr. Mazzucco said all of it will be down lighting and there will be no parking lot lights. Mr. Cerminara asked the height of the existing bldg right now. Mr. Mazzucco said it is about 20-25 ft. tall Mrs. Emminger said the Airport Administrator has signed off and the Health Dept. has signed off on the watershed review. She said we have a verbal approval from the Fire Marshal and Engineering currently reviewing the plans.

Chairman Finaldi asked if there was anyone to speak in opposition to this application and several people came forward.

Tom Guitano, 1801 Kensington Woods, said Mr. Putnam contacted him and some of the other neighbors to address their issues. They are concerned about their property values and also worried about height of building. They will be looking right at this and since they were there first, why should they lose money so Mr. Putnam can make money.

Charisse Lombardo, 1606 Kensington Woods, said this will impact her resale value and also her quality of life. The tree growth will not mask this eyesore from their view. Another negative is that these types of businesses cause an increase in crime as they attract thieves because of the storage of valuables. She submitted some photos (Exhibit B) showing the view from her unit and said this will block the sun from getting to her unit.

Allan Webb, 401 Kensington Woods, thanked Mr. Putnam for meeting with them and agreeing to the color and the tree line. He said everyone is very worried about their resale value and they were recently hit by the expansion of MCCA, so they have reason to be concerned.

Paul Rotello, 13F Linden Place, said this was originally industrial zoned land used as farm land. Both the Kensington Woods site and the subject property were rezoned to accommodate the specific development. The Kensington site was rezoned to residential multi-family and the applicant's property was rezoned to CA-80 after the church was already there.

8-3a Referral - Petition of MBD Realty LLC, 98 Federal Rd. (#K11069) for Change of Zone from IL-40 to CG-20. *Zoning Commission public hearing scheduled for September 9, 2008.*

At 12:15 AM, Mr. Urice made a motion to adjourn. Mr. Blaszkowski seconded the motion and it was passed unanimously.